

**Agreed Claim Changes in Interview 1-27-05**

1. (Currently Amended) A mouthguard for insertion into a wearer's mouth to protect the wearer's teeth and temporomandibular joint from trauma, said mouthguard comprising:

a generally curved, flexible member having a longitudinal extent and including a central portion for protecting the wearer's anterior teeth and two end members each extending rearwardly from said central portion for protecting the wearer's posterior teeth, said flexible member having a front surface adjacent the wearer's lips and cheeks, a rear surface adjacent the wearer's anterior and posterior teeth when the mouthguard is inserted into the wearer's mouth, and a thickness defined by the distance between the front and rear surfaces;

a first groove extending into one of said front and rear surfaces a predetermined depth less than the thickness of said flexible member, said groove defining a first hinge permitting flexing of a portion of the flexible member about said hinge to conform to the wearer's mouth; and

a bite tab extending along a substantial portion of said longitudinal extent and projecting inwardly from said central portion and said end members, said bite tab being adapted to be engaged by at least one of the wearer's anterior teeth and one of the wearer's posterior teeth.

8. (Currently Amended) A mouthguard comprising:

a frame member adapted to fit into the mouth of a wearer, wherein said frame member has an outwardly facing front surface, an inwardly facing rear surface, a central portion and end portions extending from said central portion;

a bite tab adapted to engage at least a portion of both the top and bottom teeth of the wearer, said bite tab extending inwardly from the central portion of said frame and positioned to engage at least a portion of the front teeth of the wearer when the jaw of the wearer's mouth is closed; and

a division separating said bite tab into sections and providing additional flexibility to the bite tab, permitting spacing between said bite tab sections to change to accommodate different mouth sizes.

22. (Currently Amended) A mouthguard comprising:

flexible means for protecting a wearer's lips and teeth from trauma, said flexible means being adapted to be disposed between the inside of the lips and outside of the teeth of a wearer; and

means for engaging at least some of both the anterior and posterior teeth of a wearer of the mouthguard, said means for engaging the teeth including means for adding flexibility to said anterior and posterior teeth engaging means, said flexibility adding means permitting spacing between said teeth engaging means to change to accommodate different mouth sizes.

27. (Currently Amended) A mouthguard comprising:

a frame member having an inwardly facing rear surface disposable adjacent a wearer's teeth, and an outwardly facing front surface disposable adjacent to the wearer's lips and cheeks, one of said front and rear surfaces includes a transition separating said one surface into first and second portions that are offset from each other such that the first portion extends outwardly further than second portion;

a first bite tab portion adapted to engage at least a portion of a front tooth of the wearer when the jaw of wearer is closed, said first bite tab portion having a proximal side adjacent the rear surface of said frame member, and a distal side opposite the proximal side;

a second bite tab portion adapted to engage at least a portion of a back tooth of the wearer when the jaw of wearer is closed, said ~~second~~ first-bite tab portion having a proximal side adjacent the rear surface of said frame member, and a distal side opposite the proximal side; and

wherein the mouthguard protects the teeth of the wearer without inducing gagging and need not be boiled or trimmed prior to being used by the wearer.